

COMMUNICATION FROM THE UNITED STATES

Revision

The following communication, dated 23 October 2009, is being circulated at the request of the Delegation of the United States.

REVISED DRAFT TEXT ON EXPEDITED SHIPMENTS

In previous communications (TN/TF/W/15, 4 February 2005; TN/TF/W/91, 5 April 2006; TN/TF/W/144, 21 May 2007; TN/TF/W/144/Rev.1, 20 July 2007; and TN/TF/W/144/Rev.2, 15 February 2008) the United States submitted a proposal to "provide specific expedited procedures for expedited shipments". The following revised draft text, aimed at addressing the comments and concerns expressed by Members, is submitted for renewed consideration by the Negotiating Group.

Textual Proposal:

Customs Procedures for Expedited Shipments

1. Each Member shall adopt or maintain procedures allowing for expedited release of goods to persons that apply for such service, while maintaining customs control and selection. A Member may require that an applicant shall, as a condition for the application of the procedures described in paragraph 2 to its expedited shipments:

- (a) provide adequate infrastructure to allow for the processing of its expedited shipments;
- (b) submit the information necessary for release in advance of the arrival of an expedited shipment;
- (c) be assessed fees limited in amount to the approximate cost of services rendered in providing the customs procedures in paragraph 2;
- (d) maintain a high degree of control over expedited shipments through the use of internal security, logistics, and tracking technology from pick-up to delivery; and
- (e) assume liability to the customs authority for the articles.

2. Subject to paragraphs 1 and 3,¹ the expedited release procedures shall:

- [(a) allow for the submission and processing, including through electronic means, of information necessary for the release of an expedited shipment prior to its arrival;]²
- (b) minimize the documentation required for the release of expedited shipments, including, to the extent possible, providing for release based on a single submission of information on all goods in the expedited shipment;
- (c) provide for expedited shipments to be released under normal circumstances within 3 hours after arrival, provided the information necessary for release has been submitted;
- (d) apply without regard to weight or value;
- (e) [allow for the release of expedited shipments before and without prejudice to the final determination of the applicable customs duties, taxes, and fees owed, if, where so required, the importer provides sufficient guarantee in the form of a surety, a deposit, or some other appropriate instrument, covering the ultimate payment of the customs duties, taxes, and fees in connection with the importation of the expedited shipment;]³ and
- (f) provide for a *de minimis* shipment value for which customs duties and taxes will not be assessed.⁴

3. Nothing in these provisions shall prevent a Member from obtaining additional information, conducting screenings, or examining goods, where necessary to maintain appropriate border control, including through the use of systems that distinguish between low-risk and high-risk goods. Further, for goods subject to licensing or similar regulatory requirements, nothing in this proposal shall prevent a Member from assessing customs duties or taxes or from requiring as a condition for release the submission of information additional to that in paragraph 2(b).

¹ *Note to the reader:* This addition is intended to make clear that the treatment in paragraph 2 need not be provided if the conditions in paragraph 1 have not been met or, as provided in paragraph 3, if authorities consider it necessary to obtain additional information or conduct screenings or examine goods. Also, Paragraph 3 has been modified to confirm that expedited treatment need not be provided to restricted goods.

² *Note to the reader:* This language may be dropped from the proposed article should it be adequately addressed in the context of the proposal on release and clearance (TN/TF/W/117/Rev.1).

³ *Note to the reader:* This language may be dropped from the proposed article should it be adequately addressed in the context of the proposal on release and clearance (TN/TF/W/136/Rev.2).

⁴ *Note to the reader:* By virtue of the fact that the goods described in the last sentence of paragraph 3 need not be provided expedited treatment, the *de minimis* provision would not interfere with collection of taxes on such goods (e.g., liquor).